IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS WICHITA FALLS DIVISION

RANDALL SCOTT JORDAN,	§	
TDCJ No. 01672271,	§	
	§	
Petitioner,	§	
*	§	
v.	§	Civil Action No. 7:19-cv-101-O-BP
	§	
LORIE DAVIS, Director,	§	
Texas Department of Criminal Justice,	§	
Correctional Institutions Division,	§	
	§	
Respondent.	§	

ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

This is a habeas action brought pursuant to 28 U.S.C. § 2254 in which Petitioner challenges the validity of Disciplinary Action No. 20190213312 which was brought against him for possession of contraband at the James V. Allred Unit of the Texas Department of Criminal Justice in Iowa Park, Texas. *See* Petition, ECF No. 1 at 5. The United States Magistrate Judge entered his Findings, Conclusions, and Recommendation in which he recommends that the petition be denied. *See* ECF No. 9. Petitioner did not file objections. The District Court reviewed the Findings, Conclusions, and Recommendation for plain error. Finding no error, I am of the opinion that the findings of fact, conclusions of law, and reasons for denial set forth in the Magistrate Judge's Recommendation are correct and they are hereby adopted and incorporated by reference as the Findings of the Court with regard to Petitioner's habeas claims.

In his first ground for relief, Petitioner claims that his legal materials were wrongfully confiscated by a prison law library officer thereby denying him access to the courts. *See* ECF No. 1 at 6. This claim sounds in civil rights rather than habeas. *See, e.g., Lewis v. Casey*, 518 U.S. 343 (1996); *Bounds v. Smith*, 430 U.S. 817, 821-23 (1977); *McDonald v. Steward*, 132 F.3d 225, 230

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(5th Cir. 1998). He claims that his legal materials were confiscated on April 30, 2019. See ECF No. 1 at 6. Because Petitioner has ample time in which to file a civil rights action within the two-

year statute of limitations, his civil rights claim will be dismissed without prejudice.

For the foregoing reasons, the petition for writ of habeas corpus is **DENIED**. Petitioner's denial-of-access-to-the-courts claim is **DISMISSED** without prejudice to his right to seek relief in a civil rights action.

SO ORDERED this 22nd day of April, 2020.

Reed O'Connor

UNITED STATES DISTRICT JUDGE